

Summary of LB 962 Activities

December 8, 2004

LB 962, passed by the legislature in 2004, amended the Nebraska Ground Water Management and Protection Act to include a more proactive approach to the State's integrated management of surface and groundwater use.

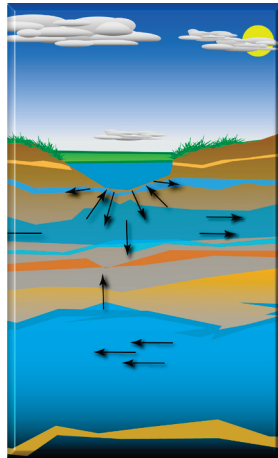
Under the amended Ground Water Management and Protection Act, **every year starting in January 2006, the Department of Natural Resources will make a determination of which river basins, subbasins or reaches are considered to be fully appropriated.**

The decision that a basin is fully appropriated will trigger a moratorium on new surface and groundwater uses and the initiation of a process by the DNR, the affected natural resources districts (NRDs), and appropriate stakeholders to develop an integrated surface water, groundwater management plan.

Several NRDs had already initiated a planning process for integrated management before the passage of LB 962. In order to avoid negating any previous work by the NRDs, Section 46-720 of the new law provided a transition process.

Accordingly:

1. On **July 16, 2004**, when the new law took effect, the areas for which the DNR had already made a determination of the need for an integrated management plan under the old law were automatically determined to be fully appropriated. These **areas included the entire Upper, Middle, and Lower Republican Natural Resources Districts**



and the all of the North Platte Natural Resources District except Pumpkin Creek, which was already subject to an integrated management plan.

2. On **September 30, 2004**, the DNR declared **the entire South Platte NRD, Twin Platte NRD and Central Platte NRD**, all of which had previously requested the DNR to determine whether a management plan was needed, **as fully appropriated**; and

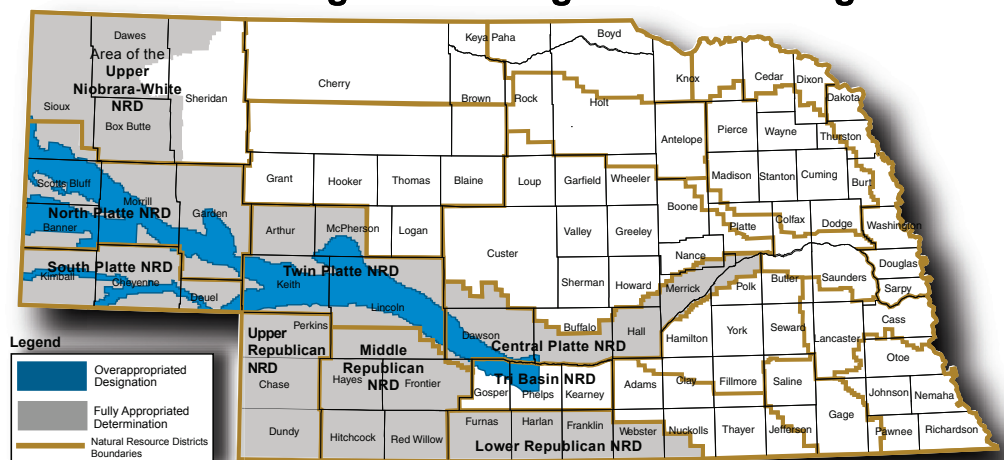
3. On **November 3, 2004** the DNR declared **a portion of the Upper Niobrara White NRD as fully appropriated.**

In addition, on **September 15, 2004**, the DNR determined that portions of the **North Platte NRD, South Platte NRD, Twin Platte NRD, Central Platte NRD and Tri-Basin NRD were overappropriated.**

As a result of these determinations as required by the new law:

1. **Stays were placed on new water uses in those portions of the NRDs which had already been subjected to a moratorium.** These stays will continue to be in effect unless they are removed by the NRD or as a result of the implementation of an integrated management plan. Any adverse impact of lifting the stay on water uses existing at the time of the determination must be offset by the integrated management plan.

Areas Subject to Joint DNR/NRD Integrated Management Planning Process





2. The NRDs and DNR started developing integrated management plans that are required to sustain a balance between water uses and water supplies so that the economic viability, social and environmental health, safety and welfare of the river basin, subbasin, or reach can be achieved and maintained for both the near term and the long term.

3. In areas that were determined to be overappropriated a basin-wide plan must be developed. The plan must provide for a reduction of water use to the 1997 level of use within the next 10 years. If this reduction does not achieve a balance between uses and the available water supplies, further reductions will be required.

In the Republican Basin, the DNR and the Tri-Basin NRD have already approved a plan and are currently drafting rules and regulations. The DNR and the Middle Republican NRD have drafted a plan, which is expected to be finalized by the end of the year. The Upper Republican NRD and the DNR are currently drafting the details of a plan. The Lower Republican NRD is meeting this month to consider working with the DNR on a plan for their district.

In the Platte Basin, the DNR, the North Platte, South Platte and Upper-Niobrara White NRDs and their respective stakeholder groups have already met a number of times to establish goals and objectives and develop the a framework for the rules and regulations of their respective plans. The NRDs involved in the overappropriated areas will be meeting with DNR **December 10** to start work on a basinwide plan.

LB 962 also amended the State's surface water statutes to include among other changes

an expedited transfer process for minor changes in water use and the ability to either temporarily or permanently transfer surface water rights. The DNR has developed rules and regulations pertaining to these changes. A hearing on these rules and regulations will be scheduled in the near future.

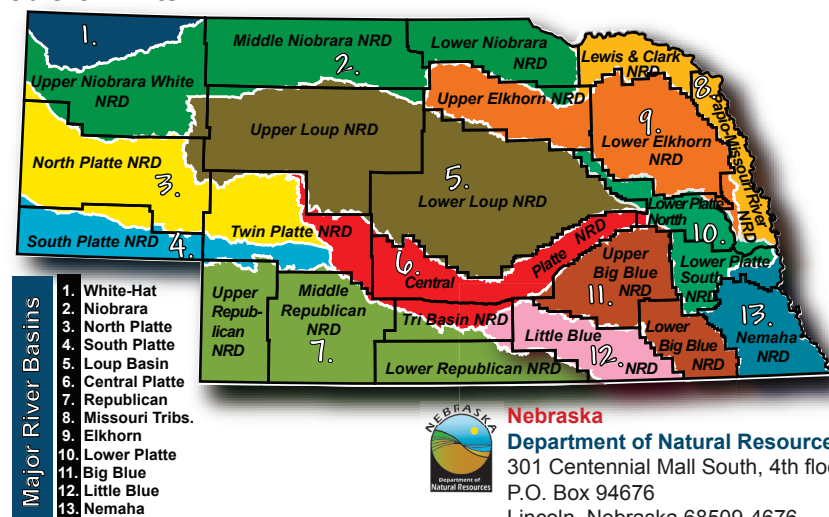
Finally, the new law requires that the Department specify by rule and regulation the types of scientific data and other information that will be considered for making the preliminary determinations. Toward this end a formal negotiated rule making process has been initiated with the **first meeting scheduled for December 8, 2004.**

The Department has also assigned the responsibility for coordinating the integrated management activities to an existing employee and hired three new people to help implement the law: an attorney, a geohydrologist and a water resources specialist.

For more information please see the Department of Natural Resources web site.

<http://www.dnr.state.ne.us/LB962/LB962Implementation.html>

Nebraska's Major River Basins
and 23 natural resources districts



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